

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10926-CO12-0109-002

IN THE MATTER OF:

Superius Health Group
P.O. Box 492
Elkhart, IN 46515

Cory Gathright, Sr.
P.O. Box 492
Elkhart, IN 46515

Ray Barham
P.O. Box 492
Elkhart, IN 46515

Type of Action: Enforcement

FILED

JAN 09 2012

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING
EMERGENCY CEASE AND DESIST ORDER

The Commissioner of the Indiana Department of Insurance ("Commissioner"), having reviewed the Enforcement Division's Motion for Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

FINDINGS OF FACT

1. The Department of Insurance ("Department") is authorized to regulate the practice of insurers in Indiana under Indiana Code 27-1 et seq.
2. The Department may hold disciplinary hearings in accordance with Indiana Code 4-21.5-3 and 4.

3. Respondents do not hold any license, certificate of authority, or any other authorization required by law to engage in the business of insurance in the State of Indiana.

4. Respondents are engaging in the sale of health insurance, including, but not limited to, through the websites www.superiushealth.com and www.facebook.com.

CONCLUSIONS OF LAW

1. An emergency exists in that Respondents continue to act as an insurer and an insurance producer in the State of Indiana without proper licensure.

2. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a).

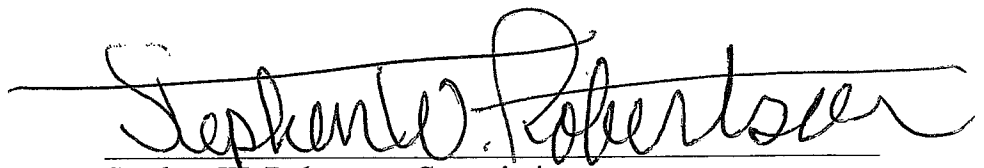
ORDER

It is, therefore, ORDERED, that Respondents must CEASE AND DESIST from acting as an insurer or insurance producer, from holding themselves out as such, or otherwise transacting insurance business in Indiana, or otherwise violating in any way the insurance laws of Indiana.

Pursuant to Indiana Code 4-21.5-4-2, this order remains effective for 90 days commencing on the date this order is issued.

Respondents are hereby notified of their right to a hearing concerning this order as quickly as practicable under Indiana Code 4-21.5-4-4.

INDIANA DEPARTMENT OF INSURANCE


Stephen W. Robertson, Commissioner

Distribution to:

Nikolas P. Mann, Attorney
Enforcement Division
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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Sent to Superius Health Group by Certified Mail # 7004 1160 0000 3835 8329

Sent to Cory Gathright, Sr. by Certified Mail # 7004 1160 0000 3835 8336

Sent to Ray Barham by Certified Mail # 7004 1160 0000 3835 8343

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STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR EMERGENCY CEASE AND DESIST ORDER

The Enforcement Division of the Indiana Department of Insurance, pursuant to Indiana Code 4-21.5-4, Indiana Code 27-1-34-1 et seq. and Indiana Code 27-4-5 et seq., files its Motion for an Emergency Cease and Desist Order against Superius Health Group ("Superius"), Cory Garthright, Sr. and Ray Barham (collectively "Respondents") and states:

1. The Department received a complaint from an Indiana consumer ("Complainant") who alleged that she had requested insurance from Respondents, but had not received her insurance card in a timely fashion.

2. Complainant informed the Department that she had purchased insurance coverage after learning about it from an acquaintance.

3. Complainant paid \$100.00 in November, 2011 for coverage to begin on January 1, 2012. Complainant was further told that her \$100.00 premium would be due on the 1st of every month.

4. Respondents use the website www.superiushealth.com and www.facebook.com to solicit insurance. The website and the Facebook profile promote the sale of insurance by offering "No Co-Pays," "No Deductibles," and "Free Prescriptions." Consumers can purchase Individual, Family or Molded "Plans."

5. Respondents do not hold a certificate of authority, producer's license, or any other authorization from the Department to engage in the business of insurance in any way.

6. A review of the records kept by the Business Services Division of the Indiana Secretary of State shows no record of Superius being registered to conduct business in the State of Indiana.

7. Department representatives spoke with Respondent Barham, who explained that he and Respondent Gathright had created this program as a way to provide health insurance to people in their community who are otherwise struggling to find insurance coverage.

8. Respondent Barham explained that the premiums paid by participants in this plan are deposited to a bank account at Elcose Federal Credit Union. This bank account is in the names of Respondents Barham and Gathright. As of January 6, 2012, the account balance was approximately \$400.00.


9. An emergency exists in that Respondents are operating as an insurance company and/or as insurance producers without the proper licensure, the financial stability of their

company is suspect, and there is no indication that they will be able to make payments on claims submitted by policy holders.

10. Under Indiana Code 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code 4-21.5-4-4.

11. The Respondents should be required to cease to transact any kind of insurance business or to solicit the sale of insurance on www.superiushealth.com or www.facebook.com until they have gained proper licensure and until such time as the Department can determine the financial stability of the company.

WHEREFORE, the Enforcement Division requests that the Commissioner issue an Emergency Cease and Desist Order against Respondents under Indiana Code 4-21.5-4-2, and for all other necessary and proper relief.



Nikolas P. Mann, #26665-29
Enforcement Division

INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787
(317) 234-5888-telephone
(317) 232-5251-facsimile


CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the above-captioned Respondents by United States first class mail, postage prepaid, this 9th day of JANUARY, 2012.

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